

EPA-200

**Reid Rosnick/DC/USEPA/US**

01/08/2013 02:01 PM

To Raymond Lee

cc Andrea Cherepy, Brian Littleton, Daniel Schultheisz, Tom Peake

bcc

Subject Re: Fw: link to EPA Regulatory Development and Retrospective Review Tracker Entry for Subpart W

Hi Ray,

First, thank you for getting to the bottom of this mess. Just so I understand (and please understand that I am not shooting the messenger here, you must be as frustrated as the rest of us, because you update the reg tracker all the time):

We all get beaten around the head to get these rules "out the door," where they then languish (with no real timeline) because OMB has determined the relative "worth" of what the Agency is doing.

I assume that senior management is aware of this, but they keep pushing to get the rules out the door, knowing they won't go anywhere, and then produce a reg tracker document that includes dates for rules that have no timeline because they are in OMB limbo. Then, OMB scrutinizes what's coming out of the Agency - particularly signature/publication dates and if they're deemed realistic or not. How would anyone know?

As I read this I see that I am venting. Sorry, Ray. It's not your fault, but if anyone in the cc list can give me ideas for what to tell the stakeholders, I'd appreciate the help.

Reid

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-----Raymond Lee/DC/USEPA/US wrote: -----

To: Reid Rosnick/DC/USEPA/US@EPA, Andrea Cherepy/DC/USEPA/US@EPA, Daniel Schultheisz/DC/USEPA/US@EPA, Tom Peake/DC/USEPA/US@EPA, Brian Littleton/DC/USEPA/US@EPA

From: Raymond Lee/DC/USEPA/US

Date: 01/08/2013 01:33PM

Subject: Re: Fw: link to EPA Regulatory Development and Retrospective Review Tracker Entry for Subpart W

Hi all,

I just wanted to follow up on this e-mail I sent yesterday. I talked to Caryn in OP

(apparently all e-mails regarding the Reg. DaRRT are forwarded to her) and she essentially told me that our rules (as well as a bunch of others across the Agency) were put in a state of limbo, per OMB direction. This is not a surprise, given the election and everything that was going on last year. OMB cracked down on all federal agencies and looked at what they were looking to publish, and only the most urgent were given a pass. As a result, with there not being a real timeline for any of these "limbo" items (even though there are dates in our internal ADP database), the Fall 2012 Reg. Agenda did not publish a lot of this information and many projected milestones were populated with filler info (e.g., 00/0000 dates). This was done for safety's sake, in terms of what we were releasing to the general public.

From here on out, OMB will continue to scrutinize what's coming out of the Agency - particularly signature/publication dates and if they're deemed realistic or not. Reid, I understand this really doesn't help (and Caryn said as much), but for now we can tell our stakeholders that the upcoming Spring 2013 Reg. Agenda should have a lot of these dates populated with current information and more realistic milestone timelines. I'll keep you posted.

Thanks,

Ray

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Raymond Lee---01/07/2013 02:40:34 PM---Hi Reid, So this is what I was able to find out...

From: Raymond Lee/DC/USEPA/US  
To: Reid Rosnick/DC/USEPA/US@EPA  
Cc: Andrea Cherepy/DC/USEPA/US@EPA, Daniel Schultheisz/DC/USEPA/US@EPA, Tom Peake/DC/USEPA/US@EPA  
Date: 01/07/2013 02:40 PM  
Subject: Re: Fw: link to EPA Regulatory Development and Retrospective Review Tracker Entry for Subpart W

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Hi Reid,

So this is what I was able to find out...

I couldn't find a specific contact for Katie's first link, but I did send the Reg. DaRRT team a message asking why the information for the NESHAP rule is not up-to-date given that their site is supposed to be updated monthly. I told them all of this information has been updated regularly in the ADP reg. tracker so things should be filtering into their system as well. I left my contact information so hopefully they'll get back to me in short order.

The second link is to the regulations.gov entry for the Fall 2012 Semiannual Reg. Agenda. I believe the next update should be in the first quarter of 2013, so when that exercise is completed the updated information should be included in the Spring 2013 installment.

I understand how frustrating it must be to keep telling your stakeholders that things are delayed. I mean, it's out of our hands right now and we're really not getting any specific answers from OP, so there's really nothing you can tell these people at this point. I really don't think the OP staffers will be any more helpful if your stakeholders choose to contact them directly, but in your case your OP desk officer would be Caryn Muellerleile. Some of OP's upper management haven't been any more helpful on at the bi-weekly rule status meetings on why our actions are sitting, so I doubt Caryn would have any more insight, unfortunately.

Let me know if you have any more questions.

Thanks!

Ray

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Reid Rosnick---01/03/2013 12:49:59 PM---Hello Ray, Happy New Year! During the Subpart W conference call this morning I took a lot of flak

From: Reid Rosnick/DC/USEPA/US  
To: Raymond Lee/DC/USEPA/US@EPA  
Cc: Tom Peake/DC/USEPA/US@EPA, Daniel Schultheisz/DC/USEPA/US@EPA, Andrea Cherepy/DC/USEPA/US@EPA  
Date: 01/03/2013 12:49 PM  
Subject: Fw: link to EPA Regulatory Development and Retrospective Review Tracker Entry for Subpart W

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Hello Ray, Happy New Year!

During the Subpart W conference call this morning I took a lot of flak regarding the continued delay in sending the proposed rule package to OMB. People were asking for someone they could speak with regarding the delay. I didn't have an answer, but told them that OP was part of the Administrator's office. Do you have any contact person the stakeholders could speak to that is not a staffer? Apparently we staffers are just not high enough on the food chain to affect change.

Also, below is a note from Katie Sweeney of the National Mining Association. She provided two links on how she tracks rulemakings, and for Subpart W (and apparently part 192) there is no updated information on one, and the other link is broken. Do we have someone in the Agency responsible for updating our site? I know we have no control over the regulations.gov site, but what about the other one? Any information you could give me would be very helpful. It was an especially spirited call this morning! Thanks

Reid

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-----Forwarded by Reid Rosnick/DC/USEPA/US on 01/03/2013 12:10PM -----

To: Reid Rosnick/DC/USEPA/US@EPA  
From: "Sweeney, Katie" <KSweeney@nma.org>  
Date: 01/03/2013 11:35AM  
Subject: link to EPA Regulatory Development and Retrospective Review Tracker Entry for Subpart W

Reid,

Here is the link to the EPA Regulatory Development and Retrospective Review Tracker Entry for Subpart W:

[http://yosemite.epa.gov/oepi/RuleGate.nsf/\(LookupRIN\)/2060-AP26#1](http://yosemite.epa.gov/oepi/RuleGate.nsf/(LookupRIN)/2060-AP26#1)

As you will see, it gives no timeline for the rulemaking. No are there any entries in the latest EPA Regulatory Agenda available at  
<http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OA-2012-0987-0001>

Very odd.

Happy New Year!

Katie